

## REMARKS/ARGUMENTS

Claims 101-142 are pending in the application. Claims 1-62 were previously cancelled without prejudice, and claims 63-100 and 143-144 were withdrawn from consideration in response to a restriction requirement.

Claim 133 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner asserts that the limitation requiring that the recited processor present a coupon in a report is non-functional and non-limiting. Applicants disagree. However, to expedite allowance of the present application, claim 133 has been cancelled without prejudice by this amendment, thereby rendering the § 112 rejection thereof moot. Applicants reserve the right to re-introduce claim 133 in this or related applications.

Claims 101-107, 109-137 and 139-142 stand rejected under 35 U.S.C. § 103(a) over Guide for Plant Appraisal (“GPA”) in view of Sklarz et al. Dependent claim 108 stands rejected under 35 U.S.C. § 103(a) over the GPA reference in view of Galaty. Dependent claim 138 rejected under 35 U.S.C. § 103(a) over Guide for Plant Appraisal (“GPA”) in view of Sklarz and further in view of Tani. Each of the rejections are respectfully traversed for the reasons set forth below.

The present invention as recited in independent claim 101, for example, provides a system for valuing landscape architectures that provides a data model including information associated with a landscape architectural object. Such information may include, e.g., attributes of the landscape architectural object such as hardiness, a disease susceptibility, an insect damage susceptibility, a height, a maturity, a spread, a basal width, a container size, a lifespan, a soil adaptability, an anaerobic capacity, a pollution tolerance, a drought tolerance, a fire tolerance, a frost tolerance, a precipitation range, a salinity tolerance, a shade tolerance, a drainage capacity, a shade-to-sun capacity, or a temperature tolerance. A processor operatively coupled to the data model includes logic configured to determine a future value associated with the landscape architectural object based on at least one of a material cost associated with the landscape architectural object and an installation cost associated with an installing of the landscape architectural object in a landscape architectural setting.

The present invention as recited in independent claim 142 likewise provides a computer readable medium containing a computer program for valuing landscape architectures by

identifying a landscape architectural object, determining a growth rate associated with the landscape architectural object, determining regional pricing information associated with at least one of the landscape architectural object and the installing of the landscape architectural object in the landscape architectural setting, determining at least one of a material cost associated with the landscape architectural object and an installation cost associated with an installing of the landscape architectural object based on the determined growth rate and regional pricing information, and determining a future value associated with the landscape architectural object based on at least one of the material cost associated with the landscape architectural object and the installation cost associated with an installing of the landscape architectural object.

The GPA reference is directed to present value determination and does not teach or even suggest the presently claimed processor operatively coupled to a data model and including logic configured to determine a future value associated with the landscape architectural object based on at least one of a material cost associated with the landscape architectural object and an installation cost. The GPA reference likewise does not teach or even suggest the presently claimed computer readable medium containing a computer program that determines a future value associated with a landscape architectural object based on at least one of the material cost associated with the object and the installation cost associated with an installing of the object. The GPA reference further fails to teach or suggest in any manner the logic configured to determine a size of the landscape architectural object based on the determined growth rate, and logic configured to determine the material cost associated with the landscape architectural object based on the determined size, as recited in dependent claim 107.

While the GPA reference discloses, at pages 1268-129, a method for determining a compounding cost for plants, this is not a future value but rather a cost to compensate a owner today of a lost (large) plant that cannot be replaced with one of the same size. Such cost rolls up the current replacement cost of a smaller plant being installed with estimated maintenance costs and interest expense over a derived period of time. The calculated cost is a present cost, and not a future value. Furthermore, the formula disclosed in the GPA reference does not even provide a replacement cost value on an existing tree. Rather, it uses a financial instrument and estimate of annual costs to inflate the price of a smaller plant.

Thus, the GPA reference fails to teach or suggest at least the presently claimed processor operatively coupled to a data model and including logic configured to determine a future value

associated with the landscape architectural object based on at least one of a material cost associated with the landscape architectural object and an installation cost, as recited in independent claim 101, and fails to teach or suggest at least the computer readable medium containing a computer program that determines a future value associated with a landscape architectural object based on at least one of the material cost associated with the object and the installation cost associated with an installing of the object, as recited in independent claim 142.

Sklarz, which is cited by the Examiner for its disclosure of using a computer system for valuation (for objects other than landscape architectural objects), does nothing to cure these failures of the GPA reference. Galaty, which is cited by the Examiner for its teaching of depreciation (of objects other than landscape architectural objects) for cost recovery, does nothing to cure these failures of the GPA reference. Tani, which is cited by the Examiner for its teaching of determining an insurance premium based upon future value (for objects other than landscape architectural objects), likewise does nothing to cure these failures of the GPA reference. Thus, it is respectfully submitted that the rejection of claims 101 and 142, and dependent claims 102-132 and 134-141, must be withdrawn.

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that claims 101-132 and 134-142 are in condition for allowance and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

The Commissioner is authorized to charge any deficiencies or credit any overpayment associated with this paper to deposit account no. **50-0653**.

Respectfully submitted,



Richard E. Kurtz, II  
Representative capacity  
Reg. Number 33,936

**Greenberg Traurig**  
1750 Tysons Blvd, 12<sup>th</sup> Floor  
McLean, Virginia 22102  
703-749-1300

Filed: June 4, 2007